

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: June 23, 2004
Re: **CONDITIONAL USE PERMIT (CUP): 1200 Graves Mill Road**

I. PETITIONER

The Home Depot, 3096 Hamilton Boulevard, South Plainfield, NJ 07080

Representative: Timothy Wagner, Wiley & Wilson, 2310 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of 21.11 acres located at 1200 Graves Mill Road.

Property Owner: Creekside of Lynchburg, P.O. Box 638, Lynchburg, VA 24505

III. PURPOSE

The purpose of this petition is to allow for fill within the 100-year floodplain for the construction of a home improvement retail facility.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, in that commercial retail uses are permitted in Community Commercial districts.
- Petition agrees with the Zoning Ordinance in that commercial retail uses are permitted in B-5C General Business Districts.
- Petition proposes the construction of a new home improvement retail facility.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial use for the subject property. Community Commercial uses are described in the *Comprehensive Plan* as areas that “contain clusters of businesses, often at major intersections, and shopping centers ... that range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people”.

The Natural Systems Lynchburg *Comprehensive Plan* further recommends limiting new development in the floodplain, since the FEMA 100-year floodplain maps are no longer accurate. The petitioner has updated the flood model section for the FEMA map of Tomahawk Creek and submitted a Conditional Letter of Map Revision for the project that demonstrates that there is no net increase in the stream’s 100-year flood elevation. In addition, the model also demonstrates that the triple-box culvert under the Lynchburg Expressway will cause the floodwaters to “back up” on The Home Depot site rather than passing the flood volumes on to downstream properties. All wetlands that are to be disturbed during construction will be mitigated on-site.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-5C, General Business District zoning was established on January 12, 1999 with the adoption of the rezoning for

Planning Commission: The Home Depot, June 23, 2004.

the subject property. The submitted petition does not propose to change the existing B-5 (conditional), General Business District zoning.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building and parking additions.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On January 12, 1999, Lynchburg City Council approved Petrie, Dierman & Kughn's petition to rezone 65 acres from B-5, General Business District and R-4, Multi-Family Residential District to B-5 (conditional), General Business District for the construction of a shopping center at the intersection of Creekside Drive and Graves Mill Road.
 - On January 12, 1999 Lynchburg City Council approved Petrie, Dierman & Kughn's CUP petition to allow fill within the 100-year floodplain to permit construction of a shopping center at the intersection of Creekside Drive and Graves Mill Road.
 - On December 8, 1987, Lynchburg City Council approved a petition from Hutter Associates, Inc. to rezone 31.5 acres from R-1, Single Family Residential to B-5 (conditional), General Business District and approximately 32.5 acres from R-1, Single Family Residential District to R-4, Multi-Family Residential District, to allow for the speculative development of both areas at Graves Mill Road and Route 291.
5. **Site Description.** The subject property is a tract of 21.11 acres that is currently undeveloped. The site is bounded to the north by an undeveloped tract, to the east by the Lynchburg Expressway and to the west and south by a combination of business offices.
6. **Proposed Use of Property.** The purpose of this petition is to allow for fill within the 100-year floodplain for the construction of a 132,874 square foot home improvement retail facility. The site will include a 104,886 square foot building, a 27,988 square foot garden center and a 502 space parking area.
7. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater management for the Home Depot site will be accomplished through the use of two wet retention ponds. Preliminary drainage calculations indicate that the receiving channel is adequate for the site's stormwater.

Stormwater quality for the site will be addressed through a combination of Best Management and Low-Impact Development Practices. Each pond will be constructed with a water quality orifice to allow pollutant settling prior to discharge; the ponds will also be fitted with floating fountains to provide for aeration of the stormwater. The discharge from both ponds will be routed to the wetlands which will be mitigated on-site adjacent to Tomahawk Creek. The site also uses Low-Impact Design Standards in the form of parking reduction. The alternative site design reduces the proposed parking from the original design by 29% and replaces the impervious spaces with landscaped areas.

8. **Impact.** The proposed development will require approximately 282,000 cubic yards of fill for the construction of the retail facility. Of this volume, 126,224 cubic yards or 45% will be filled within the 100-year floodplain. The impacts of the fill were evaluated using the HEC-RAS model; the result is a "no net rise" in the flood elevation of Tomahawk Creek. A summary of these findings are attached. In addition, the model demonstrates that the triple-box culvert that allows

Planning Commission: The Home Depot, June 23, 2004.

Tomahawk Creek to pass under the Lynchburg Expressway will restrict the flood volume causing it to back up on the Home Depot site rather than being passed on to downstream properties. In summary, the impacts of the proposed fill will be minimal.

The findings of the model have been submitted for a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency [FEMA]. Although the CLOMR does not change the 100-year floodplain map, it does prompt FEMA to issue an opinion as to whether or not the building will be outside of floodzone. A copy of the CLOMR application is attached. Once the project has been constructed, the applicant may apply for a Letter of Map Revision (LOMR). Once FEMA has completed their review of the LOMR they will document an official update to the 100-year floodplain maps.

New impervious areas for the proposed project will exceed 1,000 square feet; therefore, a stormwater management facility for quantity management will be required for the project to prevent additional surface runoff from entering Tomahawk Creek. Since the stormwater will be managed through retention pond facilities, a combination of Best Management Practices (BMPs) and Low Impact Design Standards will be used to improve water quality of the stormwater runoff from the site.

9. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on Tuesday, May 18th, 2004. Comments related to the proposed additions were minor in nature and have or will be addressed by the developer prior to final site plan approval.
 10. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of The Home Depot for fill within the 100-year floodplain for the construction of a home improvement retail facility in a B-5C, General Business District, subject to the following conditions.

- 1. The property will be developed in substantial compliance with the site plan prepared by Wiley & Wilson, Inc. dated June 16, 2004.**
- 2. The petitioner will attain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency for the subject fill.**
- 3. Stormwater runoff from the site will be managed through the construction of two (2) stormwater retention ponds. The ponds will be fitted with water quality outlets and fountains to promote both settling and aeration of pollutants.**

This matter is respectfully offered for your consideration.

Planning Commission: The Home Depot, June 23, 2004.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas DeJarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Bob Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Environmental Planner
Mr. Tim Wagner, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern - (see attached map)
2. Vicinity Proposed Land Use - (see attached map)
3. Site Plan - (see attached site plans)
4. HEC-RAS Flood Model Elevation Summary Sheet – (see attached chart)
5. Conditional Letter of Map Revision – (see attached application)